

EXHIBIT A

IN RE: CAPITAL ONE CONSUMER DATA SECURITY BREACH LITIGATION
Confidential Don Barber on 09/22/2020

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA
3 ALEXANDRIA DIVISION
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IN RE: CAPITAL ONE
CONSUMER DATA SECURITY
BREACH LITIGATION

MDL No. 1:19md2915
(AJT/JFA)

CONFIDENTIAL; SUBJECT
TO PROTECTIVE ORDER

- - -

Videotaped Videoconference Deposition of
DON BARBER
(Taken by Plaintiffs)
Atlanta, Georgia
September 22, 2020
CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER
Reported by: Lynne C. Fulwood
Certified Court Reporter

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1 STATE OF GEORGIA

2 COUNTY OF COBB

3 VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF DON

4 BARBER

5

6 Pursuant to Article 8.B of the RULES AND
7 REGULATIONS OF THE BOARD OF COURT REPORTING OF THE
8 JUDICIAL COUNCIL OF GEORGIA, I make the following
9 disclosure:

10 I am a Georgia Certified Court Reporter.

11 I am here as a representative of Huseby Global

12 Litigation.

13 Huseby Global Litigation was contacted by
14 the offices of MORGAN AND MORGAN, to provide court
15 reporting services for this deposition. Huseby
16 Global Litigation will not be taking this deposition
17 by O.C.G.A. 15-14-37 (a) and (b).

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1 ON BEHALF OF THE PLAINTIFFS:

2 PATRICK BARTHLE - videoconference
3 RA AMEN - audio
4 Attorneys at Law
5 Morgan and Morgan Complex
6 Litigation Group
7 Attorneys at Law
8 201 North Franklin Street
9 7th Floor
10 Tampa, Florida 33602
11 813-223-5505
12 Pbarthle@forthepeople.com
13 Ramen@forthepeople.com

14 ON BEHALF OF THE DEFENDANTS CAPITAL ONE FINANCIAL
15 CORPORATE, CAPITAL ONE, N.A., AND CAPITAL ONE
16 BANK (USA), N.A.

17 KEVIN O'BRIEN - videoconference
18 Attorney at Law
19 King & Spalding, LLP
20 1180 Peachtree Street, N.E.
21 Suite 1600
22 Atlanta, Georgia 30309
23 404-572-4600
24 Kobrien@kslaw.com

25 ON BEHALF OF THE AMAZON DEFENDANTS:

TYLER NEWBY - videoconference
Attorney at Law
Fenwick West, LLP
555 California Street, Fl. 12
San Francisco, California 94104
415-875-2300
Tnewby@fenwick.com

ALSO PRESENT:

Ms. Zinsner, Troutman Pepper - audio

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[REDACTED]

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A horizontal bar chart consisting of 20 black bars. The bars are arranged vertically, with their lengths varying significantly. The longest bar is the second one from the top, extending nearly to the right edge of the image. The shortest bar is the 17th one from the top, which is very thin. The bars are distributed across the vertical space, with some groups of bars having similar lengths and others showing more variation.

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7 MR. BARTHLE: Tyler, can we stipulate
8 this is a business record of Amazon?

9 MR. NEWBY: Well, since 143 is e-mail
10 exchanges that are both internal to Amazon
11 and there's an e-mail from it appears to be
12 an employee of Capital One, I'll stipulate
13 that the e-mails created and drafted by
14 Amazon are -- contained in Exhibit 143 are
15 Amazon business records. I don't think I
16 can make that stipulation as to the
17 document -- the portion of it that's
18 generated by Capital One.

19 BY MR. BARTHLE:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

4 You see that?

5 A Yes.

6 Q And here C-1 is Capital One, right?

7 A Yes.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

24 MR. NEWBY: Objection to form, calls

25 for speculation.

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[REDACTED]

[REDACTED]

[REDACTED]

4 BY MR. BARTHLE:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11 Q Why did you think that was important for
12 you to do?

13 A Part of my duties as solution architect
14 is to help -- help the customer with -- with solving
15 their business problems. And this was a challenge
16 Capital One had outlined to us.

[REDACTED]

[REDACTED]

[REDACTED]

20 MR. NEWBY: Objection to form.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 C E R T I F I C A T E

2 STATE OF GEORGIA:

3 COUNTY OF COBB:

4

5 I hereby certify that the foregoing
6 transcript was taken down as stated in the
7 caption and the questions and answers thereto
8 were reduced to typewriting under my direction,
9 that the foregoing pages 1 through 244 represent
10 a true, complete and correct transcript of the
11 evidence given upon said hearing, and I further
12 certify that I'm not of kin or counsel to the
13 parties in the case; am not in the regular employ
14 of counsel of any of said parties; nor am I in
15 anywise interested in the result of said case.

16 This 3rd day of September 2020.

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LYNNE C. FULWOOD,
Certified Court Reporter
State of Georgia
License No. B-1075

DATE OF DEPOSITION: September 22, 2020

[illegible]

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Dated: November 4, 2020